

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 9, 2021

1:08 p.m.

MEMBERS PRESENT

Representative Josiah Patkotak, Chair
Representative Grier Hopkins, Vice Chair
Representative Zack Fields
Representative Calvin Schrage
Representative Sara Hannan
Representative George Rauscher
Representative Mike Cronk
Representative Ronald Gillham
Representative Tom McKay

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 26

"An Act relating to participation in matters before the Board of Fisheries and the Board of Game by the members of the respective boards; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 26

SHORT TITLE: CONFLICT OF INTEREST: BD FISHERIES/GAME

SPONSOR(S): FISHERIES

02/18/21	(H)	PREFILE RELEASED 1/8/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	FSH, RES
02/25/21	(H)	FSH AT 10:00 AM GRUENBERG 120
02/25/21	(H)	-- MEETING CANCELED --
03/12/21	(H)	BILL REPRINTED
03/16/21	(H)	FSH AT 11:00 AM GRUENBERG 120
03/16/21	(H)	Heard & Held
03/16/21	(H)	MINUTE (FSH)
03/18/21	(H)	FSH AT 11:00 AM GRUENBERG 120
03/18/21	(H)	Moved HB 26 Out of Committee

03/18/21	(H)	MINUTE (FSH)
03/20/21	(H)	FSH RPT 5DP 1DNP 1NR
03/20/21	(H)	DP: STORY, STUTES, ORTIZ, KREISS- TOMKINS, TARR
03/20/21	(H)	DNP: MCCABE
03/20/21	(H)	NR: VANCE
03/31/21	(H)	RES AT 1:00 PM BARNES 124
03/31/21	(H)	Heard & Held
03/31/21	(H)	MINUTE (RES)
04/09/21	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

REPRESENTATIVE GERAN TARR
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 26 on behalf of the House Special Committee on Fisheries, sponsor.

THATCHER BROUWER, Staff
Representative Geran Tarr
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 26 on behalf of Representative Tarr, who chairs the House Special Committee on Fisheries, sponsor.

ALPHEUS BULLARD, Legislative Counsel
Legislative Legal Services
Legislative Affairs Agency
Anchorage, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 26.

KRISTY TIBBLES, Executive Director
Board of Game
Boards Support Section
Alaska Department of Fish & Game
Juneau, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 26.

GLENN HAIGHT, Executive Director II
Board of Fisheries
Boards Support Section
Alaska Department of Fish & Game

Juneau, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 26.

MARK RICHARDS, Executive Director
Resident Hunters of Alaska (RHAK)
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to Amendment 1 during the hearing on HB 26.

ACTION NARRATIVE

[1:08:11 PM](#)

CHAIR JOSIAH PATKOTAK called the House Resources Standing Committee meeting to order at 1:08 p.m. Representatives McKay, Fields, Cronk, Hopkins, Schrage, Gillham, Hannan, Rauscher, and Patkotak were present at the call to order.

HB 26-CONFLICT OF INTEREST: BD FISHERIES/GAME

[1:08:51 PM](#)

CHAIR PATKOTAK announced that the only order of business would be HOUSE BILL NO. 26, "An Act relating to participation in matters before the Board of Fisheries and the Board of Game by the members of the respective boards; and providing for an effective date."

[1:09:33 PM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, on behalf of the House Special Committee on Fisheries, sponsor of HB 26, introduced her staff, Thatcher Brouwer, to present.

[1:10:00 PM](#)

THATCHER BROUWER, Staff, Representative Geran Tarr, Alaska State Legislature, on behalf of Representative Tarr, who chairs the House Special Committee on Fisheries, sponsor of HB 26, detailed answers to questions remaining after the House Resources Standing Committee meeting on March 31, 2021. He referred to a memorandum ("memo") from Alpheus Bullard, Legislative Counsel [included in the committee packet], which addressed Representative Fields' inquiry as to how other Executive Branch boards and commissions manage member conflicts of interest. He explained that other boards and commissions have the same

requirements for disclosure and recusal in both deliberations and voting. He also noted AS 39.52.120(c), which is applicable only to members of the Boards of Fisheries and Game and read as follows:

(c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.

MR. BROUWER then directed attention to a document [included in the committee packet] detailing definitions of an "immediate family member", "financial interest", "personal interest", and "official action". Mr. Brouwer also noted that he would answer any further questions committee members may have.

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REPRESENTATIVE RAUSCHER moved to adopt Amendment 1, labeled 32-LS0227\A.1, Bullard, 3/31/21, which read as follows:

Page 1, lines 1-2:

Delete **"and the Board of Game by the members of the respective boards"**

insert **"by the members of the board"**

Page 2, line 26

Delete **"or the Board of Game"**

Page 2, line 31:

Delete "or the Board of Game"

Page 3, line 3:

Delete "fish or game"

Insert "fishery"

Page 3, line 5:

Delete "respective"

[1:12:36 PM](#)

REPRESENTATIVE HANNAN objected for purposes of discussion.

[1:12:40 PM](#)

REPRESENTATIVE RAUSCHER expressed his belief that HB 26 "seems to be a Board of Fisheries bill instead of a combination of both," so Amendment 1 would remove language pertaining to the Board of Game.

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REPRESENTATIVE TARR said that the Boards of Fisheries and Game have been treated the same under statute, so Amendment 1 would cause a policy deviation from historical precedent. She noted that the committee has received communication from hunting organizations that are concerned about the possibility of the two boards being treated differently.

[1:14:41 PM](#)

REPRESENTATIVE HANNAN said that she opposes Amendment 1 because statutorily and in terms of disclosure the two boards have been treated the same. She stated her belief that the intent of HB 26 is to make the discussion of issues a matter of public record and that having the same policy for both boards adds to their credibility.

[1:16:18 PM](#)

REPRESENTATIVE SCHRAGE asked whether there has been an instance in which a statute for either board has been amended without affecting the other.

REPRESENTATIVE TARR said that this question was addressed in the aforementioned memo from Mr. Bullard, and she deferred to Mr. Brouwer.

MR. BROUWER referred to the second page of the memo, which informs the reader that a change that impacted both boards was made in 1992.

[1:17:37 PM](#)

ALPHEUS BULLARD, Legislative Counsel, Legislative Legal Services, Legislative Affairs Agency, said that the 1992 change to the Executive Branch Ethics Act "applied equally to the Board of Fisheries and the Board of Game."

[1:18:48 PM](#)

KRISTY TIBBLES, Executive Director, Board of Game, Boards Support Section, Alaska Department of Fish & Game (ADF&G), said that Amendment 1 to HB 26 would constitute a change in process leading to inconsistency between the two boards, but that the change would be workable.

[1:19:44 PM](#)

REPRESENTATIVE SCHRAGE noted that the Boards of Fisheries and Game occasionally have joint meetings and asked whether Amendment 1 would impact those meetings.

MS. TIBBLES indicated that the [Boards Support Section] would consult with the Department of Law on that matter.

[1:20:33 PM](#)

GLENN HAIGHT, Executive Director II, Board of Fisheries, Boards Support Section, Alaska Department of Fish & Game, said, "that's something we would lean on the Department of Law for" but "the Department of Law but that "probably the default position would be the one that's most cautious."

REPRESENTATIVE SCHRAGE added that, given the uncertainty of how joint meetings would be handled, he is uncomfortable with Amendment 1.

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REPRESENTATIVE CRONK said he supports Amendment 1 and characterized HB 26 as "unnecessary in the first place because it's trying to fix a problem that really wasn't there."

[1:21:51 PM](#)

CHAIR PATKOTAK noted that the representative from Resident Hunters of Alaska should be given an opportunity to speak to Amendment 1.

[1:22:32 PM](#)

MARK RICHARDS, Executive Director, Resident Hunters of Alaska (RHAK), said that RHAK had initially requested that the Board of Game be removed from HB 26, but that there are several unwritten rules that apply only to the Board of Fisheries, and he is of the opinion that both boards should be governed by the same statute. He noted that Representative Cronk has a point in

noting that recusals have not been a problem in the Board of Game but opined that it could benefit the public to have discussions as a part of public record. He said that issues are discussed privately between board members, including those with a conflict of interest, prior to the meetings, therefore RHAK doesn't expect a possible policy change under HB 26 to affect the outcome of any vote. He concluded that RHAK does not support Amendment 1 and would prefer to continue the precedent of both boards being treated equally under statute.

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REPRESENTATIVE RAUSCHER characterized HB 26 as "a solution looking for a problem" as pertains to the Board of Game, which would be addressed by Amendment 1.

[1:26:38 PM](#)

REPRESENTATIVE HANNAN maintained her objection.

[1:26:46 PM](#)

A roll call vote was taken. Representatives McKay, Cronk, Rauscher, and Gillham voted in favor of Amendment 1. Representatives Fields, Hopkins, Hannan, Schrage, and Patkotak voted against it. Therefore, Amendment 1 failed by a vote of 4-5.

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CHAIR PATKOTAK announced that HB 26 would be held over.

[1:29:34 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 1:29 p.m.